

12.815 COURT APPEARANCES, JURY DUTY, AND OTHER  
HEARINGS

**Reference:**

Procedure 12.555 - Arrest/Citation: Processing of  
Adult Misdemeanor and Felony  
Offenders

## Procedure 12.810 - Subpoenas

## Procedure 12.816 - On-Call Court Appearance

Procedure 12.820 - Compensation for Court  
Attendance, Hearings and Other  
Administrative Recalls

Procedure 12.825 - Compensatory Time and Paid Overtime

Procedure 13.100 - Field Training Officer Program  
Manual of Rules and Regulations and Disciplinary  
Process

# FOP/City Labor Agreement

Department of Human Services, Personnel Policies and Procedures

Ohio Rules and Regulations - Article 69

**Purpose:**

Ensure compliance by employees with Department procedure and directives of the courts, including jury duty.

Keep court time to a minimum while maintaining current conviction rates and avoiding civil liability suits.

Provide specific instructions for completing and processing the following:

- Court Appearance Control Form (Form 664)
- Recording vacation and compensatory time scheduling
- Change in Court Appearance (Form 678)
- Case Delay Request Card (Form 674)
- Request for dismissal of charges in court
- Employees failing to appear in court

***Policy:***

Employees will appear for scheduled court cases in a timely and professional manner and will be well prepared to present cases and testimony to the courts.

***Procedure:*****A. Court Control Unit:**

1. Employees responding for testimony in Grand Jury, Juvenile Court, Common Pleas, or any municipal court will first respond to the Court Control Unit, Room 147, Hamilton County Courthouse.

a. Office hours are Monday through Friday from 0730 to 1530 hours.

1) When trials extend beyond 1530 hours, employees will have the respective prosecutor mark and sign an Overtime and Court Appearance Report (Form 68P) with the time released from court. Employees will deposit their Form 68P in the locked mailbox located outside the Court Control Unit door.

b. Department employees will be properly groomed and dressed, including authorized firearm, badge, and ID card. Department employees will wear either the uniform of the day (for their respective unit) or acceptable business attire of conservative color and design.

1) Male employees in conservative business attire will wear a suit or sport coat with dress trousers, shirt, tie, and dress shoes.

2) Female employees in conservative business attire will wear a business style dress/slacks or suit and dress shoes. Moderate use of makeup is acceptable.

3) Clothing made of denim material is not acceptable.

2. Reporting to the Court Control Unit:

a. All employees notified or subpoenaed to appear in court will report to the Court Control Unit before responding to the courtroom. Allow enough time to permit the log in process and travel time to the courtroom before the scheduled hearing time.

- 1) Sign the Log In Sheet provided by the Court Control Unit and advise of the case and courtroom.
- 2) Employees will receive time (up to 1/2 hour) on a Form 68P as compensation for checking in at the Court Control Unit before responding to court.

b. The Court Control Unit will:

- 1) Add the name of employees properly notified, case number, room number, and time of the court appearance to the Court Control Unit's daily automated court docket, if not listed.
- 2) Ask the employee if the court case is duty related or an outside employment case.
- 3) Sign and issue a time stamped Form 68P to the department employee.
  - a) A Form 68P will not be issued to employees not notified to appear, or properly processed.
  - b) Employees will complete the "Time in Court" block on the Form 68P. This block will reflect the "Time Stamp In" and "Time Stamp Out" information.

c. Outside Employment cases:

- 1) Officers on duty at the time of a scheduled hearing:
  - a) Issue, process, and route a Form 68P as described in this procedure.
    - 1] The district/section/unit commander will use the Form 68P to determine the time spent by an employee in the disposal of a case.
      - a] The employee must submit an Application for Leave of Absence (Form 25S) for vacation or compensatory time to cover this period.
      - b] The district/section/unit commander will attach the Form 25S to the Form 68P before processing by the unit time clerk.
- 2) Officers off duty at the time of a scheduled hearing and notified through the department to appear in court on outside employment cases must respond to the Court Control Unit.
  - a) The Court Control Unit will issue a Form 68P stamped "Outside employment case." The officer may submit a copy of this Form 68P to his outside employer for compensation.

d. Multiple Common Pleas Court appearances:

- 1) When an employee attends Common Pleas Court and the trial lasts more than one day, the employee will keep the subpoena until excused by the court.

- 2) The employee will sign in each day at the Court Control Unit and prepare a separate Form 68P for each day's attendance.
  - a) The prosecutor will note the time excused on the Form 68P.
- 3) The Court Control Unit submits all Forms 68P to the unit of assignment.

e. Defense appearances:

- 1) An employee who will appear in court or produce documents on behalf of the defense, either voluntarily or in response to a subpoena, must submit a Form 17 via chain of command to Planning Section notifying the Police Department of his/her appearance.
  - a) Include in the Form 17 a brief summary of the expected testimony or the document requested.
- 2) Planning Section's legal liaison will forward (and fax depending upon the time frame) the Form 17 and copy of the subpoena to the Solicitor's Office/appropriate prosecutor's office.
- 3) The employee must sign in at the Court Control Unit and notify personnel he is appearing for the defense. The Court Control Unit will add the employee's name, case number, room, and time on the daily automated court docket.
- 4) The department will compensate employees who receive a subpoena from the defense for court appearances resulting from their duties as a police officer in the same manner as a normal court appearance.

f. Court appearances resulting from off-duty arrests.

- 1) The officer must sign in at the Court Control Unit.
  - 2) The department will compensate officers for court appearances resulting from enforcement action taken as a police officer while off duty and not working police related outside employment.
3. Endorsement of Form 68P by prosecutor or grand jury foreman.
- a. Before the case is called in the courtroom, the employee will complete all the case and employee information on the Form 68P.
  - b. Upon completion of the employee's appearance and release by the prosecutor, the employee will present the prosecutor with the completed Form 68P.
    - 1) The prosecutor will sign the Form 68P and enter the time next to his signature.
  - c. The employee will immediately hand deliver the completed form back to the Court Control Unit.
  - d. When checking out, employees will verbally advise the Court Control Unit which court they attended.
4. Officers will get a subpoena from the prosecutor in Grand Jury and Common Pleas. Take the subpoena to the Common Pleas Clerk of Court's Office, Room 315, Hamilton County Courthouse. Hand deliver it to the clerk located at the Criminal Desk.
- a. The Juvenile Court prosecutor will issue a subpoena from Juvenile Court. Take the subpoena to the Juvenile Court Clerk's Office, first floor, 800 Broadway, and deposit it in the basket on the front counter.

- b. Officers will not need to wait for a check except for outside employment arrests where officers want to keep the check.
  - c. Court Control Unit personnel will respond to the Clerk's Office each business day and receive one voucher for all court appearances for the previous court day.
5. Final processing at the Court Control Unit:
- a. When employees return completed Forms 68P, the Court Control Unit will:
    - 1) Inspect the Form 68P for accuracy.
    - 2) Time stamp the Form 68P.
      - a) Question unreasonable lapses between the time the prosecutor signed the Form 68P and the arrival of the employee at the Court Control Unit.
        - 1] Document and submit to the district/section/unit commander any unreasonable lapses that would result in additional compensatory time.
    - 3) Make the proper entry on the Log In Sheet showing the employee completed the court process.
    - 4) Stamp in green "For Pay - Grand Jury Court Appearance," "For Pay - Common Pleas Court Appearance," or "For Pay - Juvenile Court Appearance." This will notify district/section/unit payroll clerks the appearance is a "paid appearance."
    - 5) Stamp in red "Outside Employment Arrest" on any off-duty appearances arising from outside employment arrests.
    - 6) Ensure officers appearing on duty have "On Duty" noted in the "Overtime For Time" block.

- 7) Keep the Form 68P for processing to the employee's unit.
- b. Employees unable to check out because the Court Control Unit is closed will deposit their Form 68P in the locked mailbox located outside the Court Control Unit door.
  - 1) The Court Control Unit will make a copy of the Form 68P and mail the original to the employee's unit.
6. Police personnel subpoenaed to court or board hearings at a location in Hamilton County other than the Hamilton County Courthouse, Hamilton County Justice Center, or the Hamilton County Juvenile Court will:

NOTE: This applies to United States Federal Court appearances in Cincinnati, Ohio, and Covington, Kentucky.

- a. Appear at the location listed on the subpoena at the scheduled time.
- b. Complete a Form 68P.
  - 1) Have the person in charge of the hearing (prosecutor, probation officer, officer of the court, etc.) sign the Form 68P on the line titled "Verified By:" and fill in the space titled "Time In Court."
- c. Obtain the check issued by the agency for compensation of the appearance.
  - 1) Endorse the check and write for "Deposit Only" on the rear of the check.
- d. Turn the Form 68P and check into the unit timekeeper for processing and forwarding to the Fiscal and Budget Section.



7. The Court Control Unit will review each day's activities and submit a daily report to the Inspections Section Commander listing the following:
  - a. Number of employees notified to appear in court.
  - b. Number of employees excused from court through the Form 678 process.
  - c. Any employee who didn't properly appear as notified.
    - 1) Include instances of absence and tardiness.
  - d. Any employee who responded to court without being notified to do so through the normal notification process.
  - e. Any employee who responded to court whose attire or appearance was inappropriate.
  - f. Any other notable occurrences, violations, or incidents.
8. See Procedure 12.825 concerning processing Forms 68P at the district/section/unit level.

B. Court Appearance Control Form (Form 664):

1. Listed on the back of each Form 664 are instructions for completing the form.
2. Supervisors will thoroughly review completed forms for correctness and arrange in alphabetical order before submitting to the Court Control Unit.
3. A supervisor must make a change in vacation or any other needed change, after forwarding the Form 664, by filling out a Form 678 and sending it to the Assignment Commissioner's Office.
4. Do not use Form 664 in setting Juvenile, Grand Jury, or Common Pleas Court cases.

5. The Assignment Commissioner uses the Form 664 for setting misdemeanor trials involving traffic and criminal cases.
6. The Assignment Commissioner will set the case on the court date of the officer who signed the complaint when a supervisor authorizes more than one officer to appear in court.
7. Recording vacation and compensatory time scheduling:
  - a. Districts/sections/units will forward a schedule of officers taking vacations between January and April to the Court Control Unit within 10 days of the final annual vacation selection. This will ensure the vacations are listed on the Form 664.
  - b. Any officer granted time off on a court date, as listed on his Form 664, must determine if he has a court case pending on that scheduled day off by running a QOS query, e.g., QOS/DST3.Badge:PO123.
    - 1) He must attend court if a case is already docketed.
    - 2) If no case is scheduled, he may request a supervisor ask the Assignment Commissioner to mark out that day.

C. Change in Court Appearance (Form 678):

1. Requests for continuances:
  - a. The department will not consider requests for continuances except for emergencies, illness, injury, or where cases are scheduled on days previously marked on a Form 664.
    - 1) Notify the City Prosecutor's Office or the County Prosecutor's Office via the Form 678 within 72 hours of the officer receiving the notify.

2. Employee unable to appear in court:

- a. If an employee cannot attend court because of unforeseen circumstances or emergencies occurring on the scheduled court date, he will notify his supervisor immediately.
  - 1) The supervisor will review the circumstances with the officer.
  - 2) The supervisor will immediately complete a Form 678, request a new court date and indicate when the officer will return to work.
    - a) Fax Form 678 to the Court Control Unit immediately.
    - b) Attach the original fax confirmation report to the district/section/unit copy of Form 678 as proof it was sent and file in the district/section/unit files.
    - c) Send a copy of Form 678 and a copy of the fax confirmation report via interdepartmental mail to the Court Control Unit.
    - d) For same day or next day court appearances, file original in the district/section/unit files and hand carry a copy of Form 678 to the Court Control Unit before 0800 hours.
      - 1] For deliveries made before or after office hours, place the form in the Court Control Units mail bin on the fourth floor of 824 Broadway, off the lobby area.
  - 3) The Court Control Unit will forward a copy of the Form 678 to the court where the officer is scheduled to appear.

3. Change in primary officer:
  - a. When the primary officer notified for court cannot appear, a unit supervisor will, if possible, notify an alternate officer competent to testify to appear.
  - b. The officer will complete a Form 678 showing the change in primary officer and reason for the change.
    - 1) Have a supervisor review and sign the Form 678.
4. Training does not take priority over a scheduled court case. State mandated DUI training, annual firearms qualification, CDOP, canine, and mounted training are the only exceptions.
  - a. If time permits, the preferred method for handling conflicts between court and training is to reschedule the training or, if possible, trade training dates with another officer.
5. Officer not needed for court:
  - a. Before an officer completes a Form 678, the officer will:
    - 1) Make personal contact with the appropriate prosecutor to confirm the officer is not needed for court.
    - 2) Include the name of the prosecutor giving authorization on the Form 678.
      - a) If due to time constraints the officer cannot make personal contact with the prosecutor, the Form 678 will not be submitted to the Court Control Unit and the officer will respond to court as notified.

6. Officer suspension:
  - a. If an officer is suspended seven days or less, the district/section/unit commander will immediately forward a completed Form 678 to the Court Control Unit for each court notify the officer receives while under suspension. The Court Control Unit will then request a continuance until the officer returns to duty (refer to Procedure 12.810).
  - b. If an officer is suspended more than seven days, the district/section/unit commander will initiate a Form 17 advising the Court Control Unit of suspension dates. This form will request future court dates for the suspended officer to be handled by subpoena.
7. The Court Control Unit will assess the reasonableness of the request if received before the scheduled court appearance.
  - a. The Court Control Unit will contact the Hamilton County Prosecutor or Municipal Court Prosecutor and:
    - 1) Request a change in officer needed for court.
    - 2) Submit a written Motion of Continuance to the court.
      - a) If the judge grants the motion, the Assignment Commissioner will notify the officer and all witnesses of the new court date.
  - b. If the Form 678 does not meet department guidelines for change in court appearance, the Court Control Unit will return the request, through the appropriate bureau commander.
  - c. In cases with multiple officers, cases will not be reset for any officer other than the one who signs the complaint.

- d. In all cases, district/section/unit supervisors will be held accountable for any Form 678 determined by the Court Control Unit as not meeting department guidelines.

D. Completing a Case Delay Request (Form 674):

- 1. If more than one case is scheduled on the same day and at conflicting times, complete a Form 674. The Court Control Unit provides this form for all officers in court who have cases in other courtrooms.
  - a. Upon completion, give the Form 674 to the prosecutor in the room where the case will be held.

E. Request for Dismissal of Charges in Court:

- 1. If an officer feels it is necessary to request dismissal of a charge or to otherwise intervene in the disposition of any case before the court, the officer will submit a request through channels to his bureau commander stating the reason(s).
  - a. Officers are not to proceed in requesting a dismissal or to intervene in a court case unless permission has been granted.
  - b. After the bureau commander's approval, the officer will consult with the appropriate prosecutor's office before approaching the court for the stated purpose. The officer will, at the time of consultation, present to the prosecutor a copy of the bureau commander's approved request.

F. Other Hearings:

- 1. A department member requested/subpoenaed to appear by anyone other than the city at an arbitration hearing related to discipline or a civil court personnel related action filed against the city:
  - a. Will immediately notify the Internal Investigations Section.

- b. Will not appear in uniform except when pre-approved by his bureau commander, but will dress in conservative business attire.
  - c. Will not interpret matters of policy as only the Police Chief sets policy for the Department.
- 2. Department members appearing in court on personal matters, civil or criminal, will not wear a department uniform.
  - a. Any officer entering the Courthouse or 800 Broadway when not engaged in official business, must pass through the metal detectors. Any officer carrying a firearm and not on official business must have his firearm secured and under control of the sheriff. No exceptions to this order are permitted. Lock boxes at the Courthouse are located at the rear basement door. Lock boxes at 800 Broadway are located at the front door.
  - b. Any Cincinnati police officer encountering difficulties at a checkpoint, either in the Courthouse or 800 Broadway, should request an on-duty Cincinnati police supervisor respond to resolve the situation. Officers are not to challenge the deputy sheriff on the above issues.
- G. Supervisory Responsibilities When Personnel Fail to Appear (FTA) or are Tardy for Scheduled Court Appearances:
  - 1. Upon receipt of Bureau Memorandum reference a FTA or tardy court appearance involving personnel, a supervisor will:
    - a. Conduct an investigation of the circumstances of the incident.
    - b. Complete and forward a Form 17CA detailing the results of the investigation.
      - 1) Refer to Manual of Rules and Regulations Sections 3.04 and 15 Disciplinary Table.

H. Employees notified for jury duty:

1. Upon receiving a jury duty summons, employees will immediately notify their supervisor. Employees cannot request exemption from jury duty.
2. Employees assigned to first shift group 8 will be detailed to jury duty.
  - a. Employees working any other shift or off day group wishing to be detailed to jury duty should submit a Voluntary Shift Deviation Form (Form 440) and/or an Off Day Deviation Form (Form 443) to accommodate jury duty.
3. Employees detailed to first shift for jury duty service will be carried as JUR-Jury Duty in the Time Book.
  - a. The Department will excuse employees for time spent on jury duty. While not actively serving on a jury, employees will be at their unit of assignment.
4. Employees detailed to jury duty will sign and forward checks received for jury duty to the unit timekeeper for verification. Officers attending jury duty on their own time may keep checks received for jury duty.
  - a. The unit timekeeper will then forward the checks to Fiscal and Budget Section.